S.B. CIVIL WRIT PETITION NO. 4242/2007
(Jeetram Vs. State & ors.)

Date of Order :: 20.07.2007

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr.B.N.Kalla for the petitioner

The petitioner has averred in this writ petition that he was initially appointed as a Pump Operator/Labourer to look after the pipeline of Jaldhar Charanwasi Yojana; that he worked from the year 1995 to the year 1997 for which he has got no relevant proof but the same was available with the department; that he moved an application on 20.12.1997 to the Assistant Engineer, PHED, Nohar to regularise his services; that he continuously worked from the year 1998 to the year 2000; that his services were terminated w.e.f. 01.01.2000; that he made a representation to the Sarpanch, Gram Panchayat, Malwani; that he was again ordered to work on daily wage basis to look after the pipeline; and that his services were verbally terminated and he made a representation through Sarpanch to the Executive Engineer, PHED, Nohar on 30.05.2000 (Annex.15). The petitioner has then averred that lastly he moved a representation on 20.05.2005 (Annex.16).

On the basis of the averments aforesaid, the petitioner has urged the grounds that verbal order of his termination after 30.05.2000 was unjust, illegal, improper and in violation of Section 25-F of the Industrial Disputes Act, 1947 ('the Act'); that he continuously worked for more than 240 days in one calender year and termination of his services without complying with the requirements of the Act was illegal and

amounted to unfair labour practice. The petitioner has prayed for the relief of declaring the verbal termination order after 30.05.2000 to be illegal and for directions for his appointment on the post of Pump Operator as he was working prior to 30.05.2000.

Apart from the fact that even with reference to the cursory averments as taken in the petition, this writ petition filed on 08.03.2006 suffers from gross delay and laches. The fact remains that the petitioner seeks to allege that his services were terminated on 30.05.2000 in violation of Section 25-F of the Act. No reason is forthcoming as to why the petitioner has not taken resort to the alternative remedy of raising an industrial dispute instead of approaching this Court in writ jurisdiction nerely six years after the alleged date of termination.

Even the documents annexed with this writ petition (Annex.2 to Annex.10 and Annex.12 to Annex.14) in the nature of requisitions sent by the Gram Panchayat for making payment of wages to two labourers for the purpose of maintenance of pipeline are difficult to be co-related with the petitioner.

The present one does not appear a case fit to be taken up for consideration in extra-ordinary writ jurisdiction of this Court.

The writ petition is, therefore, rejected.

(DINESH MAHESHWARI), J.

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